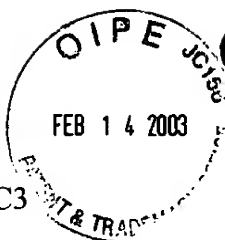


MLABS.018C3



3736  
PATENT 2-25-03  
#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kiani, et al. ) Group Art Unit 3736  
Appl. No. : 09/706,965 )  
Filed : November 6, 2000 )  
For : ACTIVE PULSE BLOOD )  
CONSTITUENT )  
MONITORING )  
Examiner : Matthew J. Kremer )

**TERMINAL DISCLAIMER**

United States Patent and Trademark Office  
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TECHNOLOGY CENTER R3700

Dear Sir:

Pursuant to 37 C.F.R. §1.321(b), the undersigned attorney of record is empowered to act on behalf of the Assignee, Masimo Corporation ("Assignee").

Assignee certifies that it is the owner of the entire right, interest and title in the patent application identified above, which is a continuation of U.S. Patent No. 6,151,516, issued on November 21, 2000; which is a continuation of U.S. Patent No. 5,860,919, issued on January 19, 1999; which is a continuation of U.S. Patent No. 5,648,816, issued on June 17, 1997.

An assignment of U.S. Patent No. 5,648,816, issued on June 17, 1997, entitled "ACTIVE PULSE BLOOD CONSTITUENT MONITORING", is recorded at Reel 7528, Frame 0526 on June 7, 1995.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the Assignee identified above.

Assignee disclaims the terminal part of any patent granted on the above-captioned patent application which would extend beyond the full statutory term of U.S. Patent No. 6,151,516,

Appl. No. : 09/706,965  
Filed : November 6, 2000

issued on November 21, 2000; U.S. Patent No. 5,860,919, issued on January 19, 1999; and U.S. Patent No. 5,648,816, issued on June 17, 1997.

This agreement shall extend to any patent granted on the above-captioned application and shall be binding upon Assignee's successors and assigns.

A fee according to 37 C.F.R. §1.20(d) is enclosed.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made upon information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 10, 2003

By: Stephen C. Jensen  
Stephen C. Jensen  
Registration No. 35,556  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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The PTO did not receive the following listed item(s) <u>Fee FOR</u> <u>TERMINAL DISCLAIMER</u>
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